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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

PHILLIP MINOR,

Petitioner,

vs.

BRIAN WILLIAMS., et al.,

Respondents

CASE NO. 2:15-cv-02005-RFB-PAL

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND
TO MOTION TO DISMISS FIRST
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS (ECF NO. 18)
(First Request)**

The Petitioner, Philip Minor (Mr. Minor), by and through his counsel of record, Gia McGillivray, and pursuant to Local Rule IA 6-1, hereby respectfully moves this Honorable Court for an extension of time of 7 judicial days to file a reply in opposition to Respondents' Motion to Dismiss First Amended Petition for Writ of Habeas Corpus ("Motion to Dismiss"). (ECF No. 18.) The reply is scheduled to be filed on September 20, 2017.

1. On October 16, 2015, Mr. Minor filed an Application to Proceed in Forma Pauperis, (ECF No. 1), a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody, (ECF Nos. 1-1, 1-2), and an Ex Parte Motion for Appointment of Counsel (ECF No. 2).

2. On September 13, 2016, the Court issued an Order granting the Motion to Proceed in Forma Pauperis and the Motion for Appointment of Counsel. (ECF No. 3.) Pursuant to the Order, the Federal Public Defender was appointed to represent Mr. Minor. (ECF No. 3.)

3. The Federal Public Defender responded to the Order on September 16, 2016, by filing a Notice of Conflict, advising that the Federal Public Defender could not undertake

1 representation and requesting that the Court appoint alternate counsel. (ECF No. 5.)

2 4. On February 8, 2017, this Court appointed the undersigned to represent Mr. Minor.
3 (ECF No. 8.) On September 13, 2017, Mr. Minor filed his First Amended Petition for Writ of
4 Habeas Corpus. (ECF No. 14.)

5 5. On November 6, 2017, Respondents filed a Motion to Dismiss First Amended
6 Petition for Writ of Habeas Corpus. (ECF No. 18.) The Notice of Electronic filing noted Mr.
7 Minor's response as due on November 20, 2017.

8 6. Repondents have raised several bases for dismissal in their Motion, including
9 timeliness, procedural default, exhaustion and failure to state a claim. Undersigned counsel
10 requires a continuance to properly prepare a response in opposition to the Motion to Dismiss.

11 7. Counsel has confirmed that Respondents do not oppose the requested extension.

12 For the reasons set forth above, Mr. Minor respectfully requests an extension of 7 judicial
13 days to file a response in opposition to Respondents' Motion to Dismiss. This request is made in
14 good faith and not for purposes of undue delay of the proceedings.

15 DATED this 20th day of November, 2017.

16 MCGILLIVRAY LAW

17 By: /s/ Gia McGillivray
18 Gia McGillivray, Esq.
Nevada Bar No. 008182

19 IT IS SO ORDERED:

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22 RICHARD F. BOULWARE, II
23 United States District Judge

24 DATED this 22nd day of November, 2017.

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing of the document named below with the Clerk of the Court, I cause a true and correct copy to be served in the following manner:

DOCUMENT(S) SERVED: MOTION TO WITHDRAW AS COUNSEL OF RECORD

☒ ELECTRONIC SERVICE: Pursuant to Local Rule LR 5-4 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

☒ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

Phillip Minor #21879
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

☐ EMAIL: By sending the above-referenced document via email to those persons at the email addresses set forth below:

/s/Gia McGillivray
Gia McGillivray